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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/059,765	04/14/1998	SHINICHI HIRATA	SONY-P8407	8893

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EXAMINER

SEAL, JAMES

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/059,765

Applicant(s)

HIRATA, SHINICHI

Examiner

James Seal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's correspondence of 20 May 2002.
2. IDS received 20 May 2002 has been considered and a signed copy returned.
3. An IDS received 28 March 2002 consisting of claims from a pending case has been considered, but will not be placed on the list of references if the application is allowed.
4. Claims 2 and 10 are canceled without prejudice.
5. Amended claims 1, 5, 8, and 9 have been entered.

With regards to the garbled in the previous actions the examiner apologizes for any problems that it may have caused; however, the applicant appears to have had no problems in interpreting the action, as he responded with amendments to the action and found no need to contact the examiner for clarification. Further, the amendments were not cosmic but introduced new features, requiring new searches. The previous action is therefore maintained.

6. Claims 1, 3-9, and 11-12 are pending.

Drawings

7. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, 11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Naughton (US6020881) and further in view of Schneier (E-mail Security How to Keep Your Electronic Messages Private) and Simmon (Contemporary Cryptography) or alternatively in view of Venkatraman (US 5956,487) or Goldberg et. al. (Beyond the Web: Excavating the Real World Via Mosaic) and Schneier/Simmons.

8. As per claim 1, the limitation of sending control commands, that is control codes, which are received (Figure 1c, element 401) by a remote device across a network (element 160, Figure 1a) via some communication means (Figure 24, element 129) one such means is in the form of electronic message, that is Email (Column 27, lines 2-3), and such that the control codes are extracted, that is unpacked, (Column 28, 45-49) from the message and are then used to control remotely appliance, such as, TV or VCR or microwave oven or stereo, or thermostat (Column 7, 16-20, Figure 1b) is disclosed by Naughton. Further, the limitation that the remote controller has the means to store control commands (Figure 1c is a block diagram of the remote control device with memory) and a remote timer reservation function is disclosed by Naughton (Column 25, lines 61-65, indicates that the software that is used to control the appliance is stored

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within the intelligent remote device itself, Column 25, line 50-53, indicate that the display objects on the user's interface are store at the intelligence device itself and that corresponding schedules and scheduling, as shown in Figure 2c, are stored in 303 of intelligent remote device itself. Therefore the timer reservation function must be located in the intelligent remote device itself. Finally, Naughton teaches the control means for controlling the is physical remote from the control means (Figure 1a, control means element 170 and appliances elements 150, 152, 39 are separated via the network element 160). Naughton is silent with regards to the encryption and certification of communication. In E-mail Security and how to keep you electronic message private, by Bruce Schneier, Schneier discloses in the vulnerability of electronic messages (page 3-5) to terrorist, hackers, pranksters, and unintentional modification. In chapter 9 (page 99) he further teaches that the main requirement of electronic messaging security is confidentiality (encryption), data origin authentication (certification of data as to origin), message integrity, nonrepudiation of origin and key management. Therefore one of ordinary skill in the art would have been motivated to add some type of verification to Naughton system identifying the source of the communications (and in particular the command codes) or ascertain the identity of the user before these commands are carried. Therefore to attain such security, those skilled in the art would have consulted text in the area for details of how these requirements would be carried out. Simmons, Contemporary Cryptography gives a number of protocols for both authentication and identity. Alternatively both Venkatraman (US 5956,487) or Goldberg et. al. (Beyond the Web: Excavating the Real World Via Mosaic) indicate the use of Web Browsers for the

control of electronic devices at a distance. Requests sent to a mail site involve electronic messaging and hence these would qualify (for example, ordering a commodity from a website). Again control means is through the network and thus separated from the appliance. Again the need for security and protocols to ensure it are discussed by Schneier/Simmons see above. Claim 1 rejected

9. Claim 2 canceled.

10. As per claim 3, the limitation that certification information is predetermined text information in an encrypted state is disclosed by Schneier/Simmon. Certification data must include encrypted data such as PIN's or passwords if they are to be sent over insecure communications links. The same argument with regards to combining with either Venkatraman or Goldberg. Claim 3 is rejected.

11. As per claim 4, the further limitation of using a secret key for the encryption is disclosed by Simmons, essentially public key cryptosystem as compared with secret key systems require more computation power and are much slower. The same argument with regards to combining with either Venkatraman or Goldberg. Claim 4 is rejected.

12. Claim 5 is a methods claim for device claim 1 and is rejected in view of the same prior art of record. The same argument with regards to combining with either Venkatraman or Goldberg.

13. Claim 6 applicant recites a transmitting device that is the complement of the receiving device of claim 1 and is rejected in view of the same prior art of record. The same argument with regards to combining with either Venkatraman or Goldberg.

14. Claim 7 recites a method of transmitting that is disclosed in device claim 6 and is rejected in view of the same prior art of record. The same argument with regards to combining with either Venkatraman or Goldberg.

15. Claim 8 is a transmission/reception system encompassing device claims 1 and 5 and is rejected in view of the same prior art of record. The same argument with regards to combining with either Venkatraman or Goldberg.

16. Claim 9 is a method for carrying out the transmission/reception system of claim 8 and is rejected in view of the same prior art of record. The same argument with regards to combining with either Venkatraman or Goldberg.

17. Claim 10 is canceled.

18. As per claim 11, the limitations of a terminal consisting of a modem for receiving electronic mail through a network, a memory, a CPU decrypting, extracting executing contro commands and authentication is disclosed by Naughton (see Figure 1c, elements 401, 403, 404 and 405). The same argument with regards to combining with either Venkatraman (Figure 1b) or Goldberg (Digram page 4). Claim 11 is rejected.

19. As per claim 12, the limitation of a terminal with a display device using a GUI (graphical user interface) display is disclosed in Naughton (Figure 1b). The same argument with regards to combining with either Venkatraman (figure 2) or Goldberg (page 2 bottom line top page 3). Claim 12 is rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

20. Arguments are moot in view of the amended claims.
21. As far as references cited, examiners are allowed to cite references which they deem relative to the applicant's invention without applying. Such references are used as background to the invention or for better understanding the art.
22. Schneier was used in place of an official notice taken in the last action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Seal whose telephone number is 703 308 4562. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes can be reached on 703 305 9711. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703 746 7239 for regular communications and 703 746 7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 3900.

JWS

Jws
August 12, 2002

Gail Hayes

GAIL HAYES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100